

CALIFORNIA APPRENTICESHIP COUNCIL
NOTICE OF PROPOSED ACTION TO AMEND
CALIFORNIA CODE OF REGULATIONS, TITLE 8, CHAPTER 2, PART IV,
SECTION 230.1

Prepared by:

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TITLE 8. CALIFORNIA APPRENTICESHIP COUNCIL NOTICE OF PROPOSED ACTION

NOTICE IS HEREBY GIVEN that the California Apprenticeship Council (“Council”), pursuant to rulemaking authority derived from Labor Code section 3071, in order to implement, interpret and make specific section 3073.2 of the Labor Code, proposes to amend Part IV, Section 230.1 in Chapter 2 of Title 8 of the California Code of Regulations (“CCR”) concerning the dispatch of apprentices.

PUBLIC HEARING: The Council will hold a public hearing on January 5, 2011, from 1 p.m. to 3 p.m., at the Milton Marks Conference Center, Auditorium, Hiram Johnson State Building, 455 Golden Gate Avenue, San Francisco, California, 94102, and on January 6, 2011, from 1:00 p.m. to 3:00 p.m., at the Auditorium, 320 West 4th Street, Los Angeles, California, 90013. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest (below). The Council requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD: Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action by mail or personal delivery to Glen Forman, Acting Chief, Division of Apprenticeship Standards, 455 Golden Gate Avenue, 10th Floor, San Francisco, California 94102. Written comments may also be sent to Jane Reza (1) via electronic email to 212comments@dir.ca.gov or (2) via fax to (415) 703-5227. To be considered, written comments must be received by the Council no later than 5:00 p.m., January 5, 2011.

CONTACT PERSON: Nonsubstantive inquiries concerning this action, such as requests for copies of the text of the proposed regulations, and the location of public records, may be directed to Jane Reza at (415) 355-5468. The backup contact person is Glen Forman at (415) 703-4939. Inquiries regarding the substance of the proposed regulations may be directed to Glen Forman at (415) 703-4939.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Labor Code section 3073.2 authorizes the Council to adopt industry-specific training criteria for use by apprenticeship programs. This rulemaking was adopted unanimously by the Council to amend the regulation which implements this statute – Tit. 8, CCR section 230.1 – to make minor revisions in how the request for apprentice dispatch for apprenticeship programs is established, as follows. No comparable federal regulation or statute exists. Please see the Council’s Initial Statement of Reasons for further information.

The proposed amendments to subsection (a) of Regulation 230.1 to clarify requests for the dispatch of apprentices. The proposed amendment is being made to provide for clarity, consistency and fairness in the dispatch of apprentices.

The proposed amendment is also being made in response to requests for apprentice dispatch that are unrealistically short in time in an attempt by certain employers/contractors to discourage apprenticeship dispatch. This proposed regulation would discourage this type of “bad faith” request of apprentices because it requires that each request for the dispatch of an apprentice would be for no less than eight (8) hours, or 20% of the anticipated apprentice hours on a project. Thus, employers/contractors would still have to employ apprentices at a ratio of one (1) apprentice hour for every five (5) journeyman hours.

The proposed amendments to subsection (b)(2) add a subsection to define what constitutes committee action and what constitutes quorum at a committee meeting.

The proposed amendments to subsection (b)(3) make language changes for purposes of clarity and consistency which do not change the substance of the subsection (*i.e.*, former subsection (b)(3)).

The proposed amendments to subsection (b)(5) is changed to provide that the Council may extend the deadline for the committee to formulate industry training criteria, that the Council is to use best efforts to complete its review of criteria submitted by the committee by the second regular Council meeting thereafter, and that if the Council rejects the committee’s formulation, it will return the submission with a new deadline for resubmission as well as its written reasons.

The proposed amendments to subsection (c) make language changes for purposes of clarity and consistency which do not change the substance of the subsection.

The proposed amendments to subsection (d) make language changes for purposes of clarity and consistency which do not change the substance of the subsection. They also clarify that programs subject to the state-wide minimum training criteria are those approved or proposed for approval under the Shelley-Maloney Act, and do not include programs outside the jurisdiction of the Council.

DISCLOSURES REGARDING THE PROPOSED ACTION: The Council has made the following initial determinations:

- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.
- Impact on the creation or the elimination of jobs or business, and the expansion of businesses within the State of California, or effect on small businesses: None.
- Significant effect on housing costs: None.
- Cost impacts on representative private person or business: None. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

FISCAL IMPACTS:

- Costs or savings to state agencies or costs/savings in federal funding to the State: None.
- Local Mandate: None.

- Cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.
- Other nondiscretionary costs/savings imposed upon local agencies: None.

CONSIDERATION OF ALTERNATIVES: In accordance with Government Code section 11346.5(a)(13), the Council must determine that no reasonable alternative it considered or that otherwise has been identified and brought to the attention of the Council would be more effective in carrying out the purpose for which the action is proposed or would be as effective as the proposed action and less burdensome to affected private persons.

The Council invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS/INTERNET ACCESS: An initial statement of reasons and the text (“express terms”) of the proposed regulations have been prepared and are available from the contact person named in this notice. The Council will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office located at the above address. Rulemaking records may be accessed through the agency’s Internet website at www.dir.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT: After holding the hearing and considering all timely and relevant comments received, the Council may adopt the proposed regulations substantially as described in this notice. If the Council makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Council adopts the regulations as revised. Any such modifications will also be posted on the Council’s website.

Please send requests for copies of any modified regulations to the attention of the contact person(s) listed above. The Council will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS: Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed above.

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